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**FILED**

APR - 3 2007

RICHARD W. WEISBERG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOKAELE PORTER,

Defendant.

No. CR-07-70081 PVT

STIPULATION, WAIVER AND  
~~PROPOSED~~ ORDER CONTINUING  
PRELIMINARY HEARING AND  
EXCLUDING TIME FOR INDICTMENT

**STIPULATION AND WAIVER**

The parties hereby stipulate and agree that the date currently set for preliminary hearing and/or arraignment may be continued for three weeks from April 5, 2007, to April 26, 2007 at 9:30 a.m. Mr. Porter, by his signature below, further consents to extend by three weeks the time for preliminary hearing under Rule 5.1 of the Federal Rules of Criminal Procedure. The purpose of the requested continuance is to permit the defense to continue its investigation into the circumstances of the alleged offense and to facilitate the parties' efforts to reach a pre-indictment resolution. The parties further agree that the intervening three weeks may be excluded from the time within which an indictment shall be filed, as the reasonable time necessary for effective defense preparation under 18 U.S.C. §3161(h)(8)(A) and (B)(iv).

1 Dated: March 28, 2007

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s/\_\_\_\_\_  
CYNTHIA C. LIE  
Assistant Federal Public Defender

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4 Dated: April 2, 2007

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s/\_\_\_\_\_  
JOKAELLE PORTER  
Defendant

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7 Dated: March 29, 2007

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s/\_\_\_\_\_  
THOMAS M. O'CONNELL  
Assistant United States Attorney

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*RS*  
**[PROPOSED] ORDER**

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12 Good cause appearing and by stipulation of the parties, it is hereby ordered that the date  
13 set for preliminary hearing and/or arraignment in the above-captioned matter shall be continued  
14 from Thursday, April 5, 2007 to Thursday, April 26, 2007 at 9:30 a.m.

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16 It is further ordered that 21 days shall be excluded from the time within which an  
17 indictment shall be filed under the Speedy Trial Act, as the reasonable time necessary for  
18 effective preparation of counsel, pursuant to 18 U.S.C. §3161(h)(8)(A) and (B)(iv).

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20 Dated: April 3, 2007

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*[Signature]*  
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RICHARD SEEBORG  
United States Magistrate Judge

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